

Southeast Berrien County Landfill Authority

3200 Chamberlain Road • Buchanan, MI 49107 • (269) 695-2500 • Fax (269) 695-4230

To: Committee on Great Lakes and Environment

From: Southeast Berrien County Landfill Authority

Re: House Bill No. 4047

Date: March 28, 2007

The Southeast Berrien County Landfill, (SEBCL) is a public municipal landfill owned and operated by the Authority made up of 5 municipalities; City of Niles, City of Buchanan, Niles Charter Twp., Buchanan Twp. and Bertrand Twp. SEBCL receives approximately 65% of its trash and resulting revenue from Indiana, due to the close proximity to the Indiana State Line (2miles). For more than 30 years the Landfill has had a policy to receive trash only to the extent necessary to maintain the revenues required for operation and to ensure funding for long-term post closure requirements. Markets closest to the Landfill are preferred. SEBCL is the only municipality-owned and operated landfill in the area, ensuring that the public has a low cost alternative to the profit-driven private companies in this region.

House Bill No. 4047 imposes a moratorium on landfill growth. No permit to construct more waste disposal units will be allowed unless the landfill has less than 3 years of disposal life remaining.

Phase VI waste units under the existing permit, approved for construction, need to be expanded to the north within the existing landfill in order to properly design and install the leachate collection system with proper slopes and to control odor. HB 4047 will prevent the required engineering and design changes to our existing 1998 Construction Permit until it is too late to incorporate the expansion area properly.

HB 4047 will require that Phase VI will not incorporate the design as drafted in our proposed Horizontal Expansion Construction Application. If the Phase VI waste units are constructed without modification with the horizontal expansion being planned we anticipate that we will not be able to expand when the 3 year disposal capacity restriction is met. Secondly, it is important for the landfill to be able to dispose waste against the existing landfill slope in order to better manage the control of potential odor. A map showing what is permitted and what is being planned is attached for your review.

House Bill No. 4047 fails to honor the Berrien County Solid Waste Management Plan which provides for additional air space for disposal for the future expansion as granted to the Authority in the "Host Agreement" signed by the Authority with Berrien County. A copy of the letter of consistency with that agreement dated May 4, 2006 from Larry Clymer, Chairperson, Board of Commissioners is attached for your review. It is requested that the Committee on Great Lakes and Environment honor the county agreement and revise HB 4047 to do so.

The restrictions imposed by HB 4047 will actually restrict the future construction and growth required for the Authority to implement its "best management practices". This will cause premature closure of the landfill which will reduce landfill capacity in Michigan, not enhance it. Premature closure will result in insufficient revenues to meet perpetual care requirements and the loss of 21 employee jobs.

We request that HB 4047 be amended to allow SEBC Landfill to proceed with design, construction and growth as granted by our agreement with Berrien County dated May 4, 2006 without restrictions.

Southeast Berrien County Landfill Authority


David L. Jones
General Manager

Cc: Dick Haigh, Chairman

BERRIEN COUNTY
ADMINISTRATION CENTER

Larry W. Clymer, Chairman

Berrien County Board of
Commissioners

Representing District 13



701 MAIN STREET
ST. JOSEPH, MICHIGAN 49085
TELEPHONE: (269)683-5657
OR (269)983-7111, EXT 8095
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May 4, 2006

Mr. Philip E. Beal, P.E., Manager
Engineering Department
STS Consultants
3839 East Paris Avenue, SE, Suite 301
Grand Rapids, MI 49512

Re: Construction Permit - Letter of Consistency

Dear Mr. Beal:

In response to your request for a Letter of Consistency (dated: 3-8-06) and pursuant to Part 115 of PA 451 (Part 115), staff of the County's Community Development Department, in its role as the County's Designated Planning Agency, has conducted a review of the information provided in your letter and the associated site drawing (attached). Based upon staff recommendation, the Berrien County Board of Commissioners has determined that your request to construct no more than 4.4 million cubic yards of airspace, appears consistent with the current Berrien County Solid Waste Management Plan (SWPlan), to the extent noted below.

Staff finds that the solid waste boundary, as defined by the Administrative Rules to Part 115, is identified in the attached site drawing (dated: 10-7-05) as a composite of two lines designated as the "permitted limits of waste" and "limits of expansion". The perimeter formed by these two lines, delineates the solid waste boundary of the Southeast Berrien County Landfill. Therefore, this composite line appears consistent with the waste boundaries stipulated within the current SWPlan (Exhibit A of LUA, attached).

No other findings or representations are being made, regarding consistency with the current SWPlan, on other aspects of your Construction Permit application to the DEQ. Please contact the County's Planning Coordinator, John Gruchot (983-7111, ext. 8350 or JGRUCHOT@BERRIENCOUNTY.ORG) if you have any questions.

Sincerely,

Larry Clymer
Chairperson, Board of Commissioners

Attachments: Site Drawing - Southeast Berrien County Landfill, 10/7/05 [STS Consultants]
Exhibit A - Landfill Use Agreement [as included in the SWPlan]

cc: Berrien County Clerk
Berrien County Community Development Department

MAY 10 2006

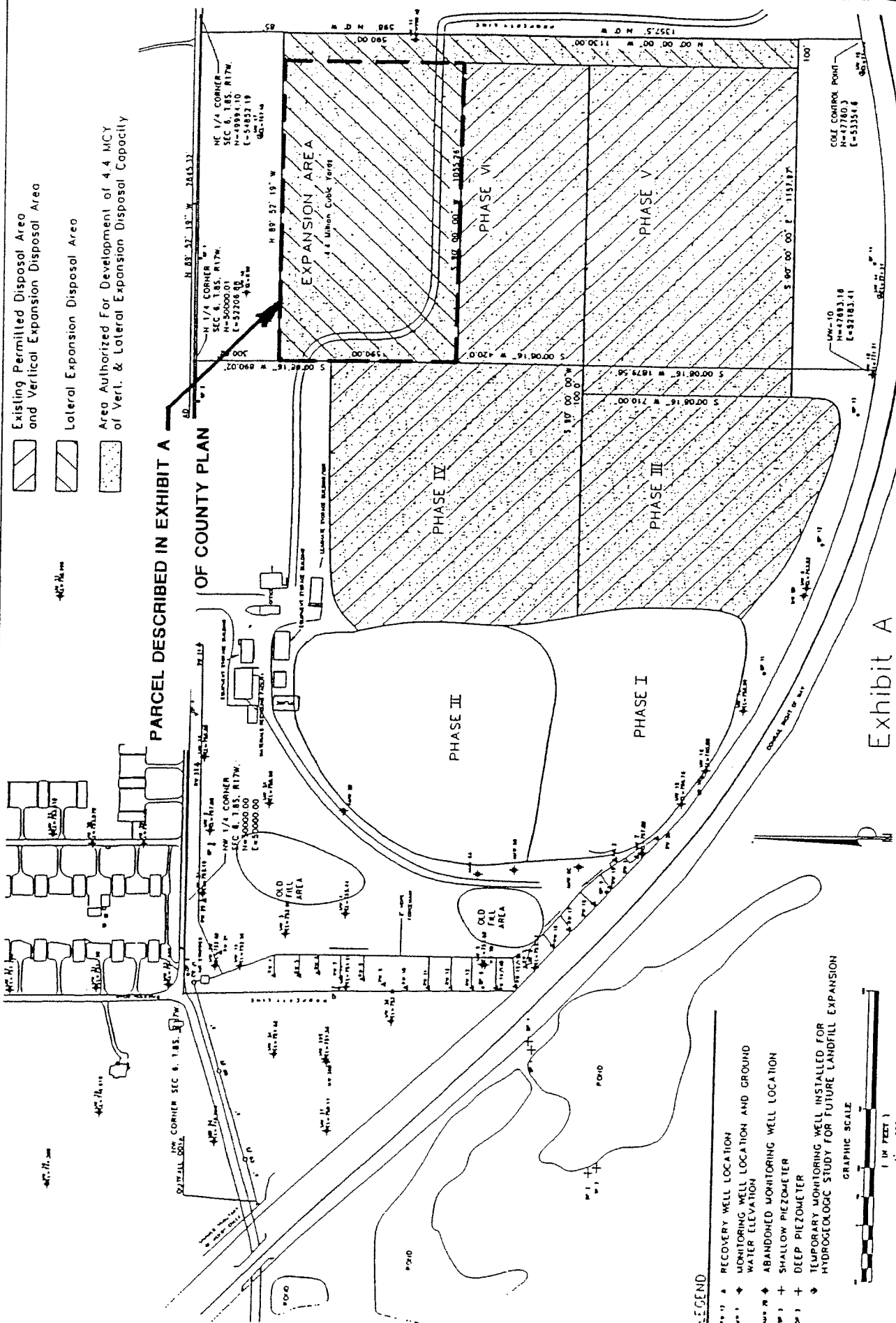


Exhibit A

FROM COUNTY PLAN





STS CONSULTANTS
3755 Broadmoor SE
Grand Rapids, MI 49512
616-940-3077
www.stsconsultants.com
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LIMITS OF PROPOSED EXPANSION
APPLICATION FOR LETTER OF CONSISTENCY
SOUTHEAST BERRIEN COUNTY LANDFILL
BUCHANAN, MICHIGAN



Drawn : MAM 10/07/2005

Checked: CAJ 10/07/2005

Approved: PEB

PROJECT
NUMBER 772960F

FIGURE
NUMBER

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